(3)

In the Honble High Court of Chhattishgarh at Bilaspur (C.G.)

W.P. No. 343 2005

Petitioner : Bohran Lal Rawate aged 34 years
Son of Shri Dayal Singh Rawate
Odarshakri Tahsil Gunderdehi
District Durg (C.G.)

R.R. No. 338/05 Gmp 29
Presented by Shri V. Dhurvey adv.
dated 27-1-05

Versus

Respondents 1. State Government of Chhattisgarh,
Through the Secretary, Revenue
Department Ministry,
D.K.S.Bhawan, Raipur (C.G.)

2. The Sub Divisional Officer,
Balod, District Durg (C.G.)

27.1.05

Writ Petitioner under Articles 226/227
of the Constitution of India.

The petitioner respectfully furnishes the particulars of the writ

(19)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 343 of 2005

Petitioner Bohran Lal Rawate

Versus

Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Somkant Verma, Advocate for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the respondents.

ORDER

(Passed on this 26th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Patwari at Bharritola, District –Durg was transferred to Kanker on the same terms and conditions vide impugned transfer order dated 21.10.2004 (Annexure P/2).
2. This Court vide interim order dated 25.4.2005 directed that the petitioner be not relieved, till the next date of hearing, if not already relieved. By virtue of the interim order the petitioner must have continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur